

U.S.S.N. 10/708,074

- 7 -

SBC 0128 PA (LD 00308)

REMARKS

Examiner's comments in the Office Action marked "non-final" and dated August 24, 2005 have been carefully considered by Applicant. In view of such comments, Applicant has amended the claims as set forth herein. In particular, independent claims 1, 15, and 17 and also dependent claims 10, 14, and 20 have all been amended to better highlight the patentable differences of Applicant's proposed invention as compared to the prior art cited and interpreted by Examiner in the Office Action. In making such amendments, Applicant maintains that no new matter has been introduced into the present Application. Furthermore, no claims have been altogether canceled, and no entirely new claims have been added. Thus, claims 1-20 remain pending in Applicant's present Application. It is Applicant's good faith belief that the pending claims, as presented herein, are both novel and non-obvious. Therefore, Applicant respectfully avers that the pending claims now place the present Application in a condition for allowance and notice thereof is respectfully requested.

35 U.S.C. § 102(b)

In the Office Action, independent claim 1 and dependent claims 2-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated and therefore unpatentable over United States Patent Number 5,737,703, issued to Byrne on April 7, 1998 (hereinafter "Byrne"). Applicant respectfully traverses each of these 35 U.S.C. § 102 rejections set forth in the Office Action in view of the claims as amended, for Applicant's invention as presently claimed herein is deemed to be novel in light of the prior art cited by Examiner.

In particular, for Byrne to anticipate the inventive subject matter now claimed in Applicant's independent claim 1, Byrne must disclose

[a] system for selectively answering a telephone from a remote location, said system comprising:
a stationary unit connectable in line with a telephone line extending to said telephone, said stationary unit including (i) a ring detector circuit for activating said system upon detecting a ringing signal received over said telephone

U.S.S.N. 10/708,074

- 8 -

SBC 0128 PA (LD 00308)

line, (ii) a first antenna with transmitter-receiver, (iii) a switching circuit for seizing said telephone line, (iv) an autodialer circuit for dialing a pre-programmed telephone number, and (v) an enclosure for substantially housing said ring detector circuit, said first antenna with transmitter-receiver, said switching circuit, and said autodialer circuit; and

a portable unit including (i) a second antenna with transmitter-receiver for establishing electromagnetic communication with said first antenna, (ii) a first activatable switch for selectively triggering seizure of said telephone line in response to any said ringing signal that is detected, (iii) a second activatable switch for selectively triggering seizure of said telephone line and activation of said autodialer circuit, (iv) a microphone for transmitting verbal communications over said telephone line whenever said telephone line is seized, and (v) a casing for substantially housing said second antenna with transmitter-receiver, said first activatable switch, said second activatable switch, and said microphone;

wherein one of said stationary unit and said portable unit includes a counter-timer circuit for restrictively permitting activation of said autodialer circuit only when said second activatable switch is activated a predetermined plural number of times within a predetermined period of time[.]

as required by Applicant's claim 1 amended herein. Byrne, however, does not disclose such a remote telephone answering system that includes both a stationary unit and a portable unit "wherein [either the] stationary unit [or the] portable unit includes a counter-timer circuit for restrictively permitting activation of [an] autodialer circuit [in the stationary unit] only when [an] activatable switch [on the portable unit] is activated a predetermined plural number of times within a predetermined period of time." Instead, Byrne merely discloses a portable, multi-mode radio telephone (i.e., a cellular cordless telephone (CCT)) with which call handover is made possible between various radio telephone systems operating with different signaling protocols and data encryption schemes. (Byrne, see generally column 5, lines 13-67; and column 6, lines 1-20).

In sum, therefore, since Byrne does not disclose "a counter-timer circuit" as particularly set forth in Applicant's independent claim 1 amended herein, Applicant respectfully avers that claim 1 is not anticipated by Byrne and is therefore novel.

U.S.S.N. 10/708,074

- 9 -

SBC 0128 PA (LD 00308)

Furthermore, since claims 2-14 are dependant on independent claim 1, Applicant also respectfully avers that claims 2-14 are not anticipated by Byrne and are thus novel as well.

35 U.S.C. § 103(a)

Also in the Office Action, independent claim 15 and also dependent claim 16 stand rejected under 35 U.S.C. § 103(a) as being obvious and therefore unpatentable over Byrne in view of United States Patent Number 5,559,860, issued to Mizikovsky on September 24, 1996 (hereinafter "Mizikovsky"). In addition, independent claim 17 and also dependent claims 18-20 stand rejected under 35 U.S.C. § 103(a) as being obvious and therefore unpatentable over Byrne in view of United States Patent Number 5,598,460, issued to Tendler on January 28, 1997 (hereinafter "Tendler"). Applicant respectfully traverses each of these 35 U.S.C. § 103 rejections set forth in the Office Action in view of the claims as amended, for Applicant's invention as presently claimed is deemed to be not merely an obvious improvement over the prior art cited by Examiner.

With general regard to Examiner's rejections under 35 U.S.C. § 103, Applicant respectfully maintains that rejection for obviousness must be based upon objective evidence of record and requires that particular findings be made as to why a skilled artisan with no knowledge of the claimed invention would have selected the specific components for combination in the manner claimed. Thus, in order for any prior art references themselves to be validly combined for use in a prior art obviousness rejection under 35 U.S.C. § 103(a), the references themselves, or some other piece of prior art, must suggest that they be combined. In re Sernaker, 217 U.S.P.Q. 1, 6 (C.A.F.C. 1983). That is, the suggestion to combine the references must not come from the Applicant's proposed invention itself. Orthopedic Equipment Co. v. United States, 217 U.S.P.Q. 193, 199 (C.A.F.C. 1983). In sum, in order to establish a *prima facie* case of obviousness, it is necessary to present evidence, in the form of some teaching, suggestion, incentive, or inference in the applied prior art, or in the form of generally available knowledge, that one having ordinary skill in the art would have been led to

U.S.S.N. 10/708,074

- 10 -

SBC 0128 PA (LD 00308)

combine the relevant teachings of the applied references in the proposed manner to arrive at the claimed invention. Ex parte Levengood, 28 U.S.P.Q.(2d) 1300 (P.T.O.B.A.&I. 1993).

For Byrne and Mizikovsky to render the inventive subject matter now claimed in Applicant's independent claim 15 obvious, Byrne and Mizikovsky, either alone individually or in combination with each other, must either teach or suggest

[a] system for selectively answering a telephone from a remote location, said system comprising:

a stationary unit connectable in line with a telephone line extending to said telephone, said stationary unit including (i) a ring detector circuit for activating said system upon detecting a ringing signal received over said telephone line, (ii) a circuit for processing caller ID data signals received over said telephone line, (iii) a first antenna with transmitter-receiver, (iv) a switching circuit for seizing said telephone line, (v) an autodialer circuit for dialing a pre-programmed telephone number, and (vi) an enclosure for substantially housing said ring detector circuit, said caller ID data signals processing circuit, said first antenna with transmitter-receiver, said switching circuit, and said autodialer circuit; and

a portable unit including (i) a second antenna with transmitter-receiver for establishing electromagnetic communication with said first antenna, (ii) a viewable display for visually presenting caller identification information generated from said caller ID data signals, (iii) a first activatable switch for selectively triggering seizure of said telephone line in response to any said ringing signal that is detected, (iv) a second activatable switch for selectively triggering seizure of said telephone line and activation of said autodialer circuit, (v) a microphone for transmitting verbal communications over said telephone line whenever said telephone line is seized, and (vi) a casing for substantially housing said second antenna with transmitter-receiver, said viewable display, said first activatable switch, said second activatable switch, and said microphone;

wherein one of said stationary unit and said portable unit includes a counter-timer circuit for restrictively permitting activation of said autodialer circuit only when said second activatable switch is activated a predetermined plural number of times within a predetermined period of time[.]

U.S.S.N. 10/708,074

- 11 -

SBC 0128 PA (LD 00308)

as required by Applicant's claim 15 amended herein. Byrne and Mizikovsky, however, neither teach nor suggest such a remote telephone answering system that includes both a stationary unit and a portable unit "wherein [either the] stationary unit [or the] portable unit includes a counter-timer circuit for restrictively permitting activation of [an] autodialer circuit [in the stationary unit] only when [an] activatable switch [on the portable unit] is activated a predetermined plural number of times within a predetermined period of time." Instead, Byrne, as mentioned previously, merely teaches a portable, multi-mode radio telephone (i.e., a cellular cordless telephone (CCT)) with which call handover is made possible between various radio telephone systems operating with different signaling protocols and data encryption schemes. (Byrne, see generally column 5, lines 13-67; and column 6, lines 1-20). Mizikovsky, on the other hand, merely teaches an apparatus with a caller ID processor and memory for selectively answering an incoming telephone call, which is transmitted from a cellular base station to a mobile station, based upon a calling party's telephone number as identified. (Mizikovsky, see generally Abstract; column 6, lines 11-67; column 7, lines 1-50; and column 8, lines 1-19).

In sum, therefore, since Byrne and Mizikovsky neither teach nor suggest "a counter-timer circuit" as particularly set forth in Applicant's independent claim 15 amended herein, Applicant respectfully avers that claim 15 is not rendered obvious by Byrne and Mizikovsky. Furthermore, since claim 16 is dependant on independent claim 15, Applicant also respectfully avers that claim 16 is not rendered obvious by Byrne and Mizikovsky as well.

Moreover, for Byrne and Tendler to render the inventive subject matter now claimed in Applicant's independent claim 17 obvious, Byrne and Tendler, either alone individually or in combination with each other, must either teach or suggest

[a] system for selectively answering a telephone from a remote location, said system comprising:

a stationary unit connectable in line with a telephone line extending to said telephone, said stationary unit including (i) a ring detector circuit for activating said system upon detecting a ringing signal received over said telephone

U.S.S.N. 10/708,074

- 12 -

SBC 0128 PA (LD 00308)

line, (ii) a first antenna with transmitter-receiver, (iii) a switching circuit for seizing said telephone line, (iv) an autodialer circuit for dialing a pre-programmed emergency response telephone number, and (v) an enclosure for substantially housing said ring detector circuit, said first antenna with transmitter-receiver, said switching circuit, and said autodialer circuit; and

a portable unit including (i) a second antenna with transmitter-receiver for establishing electromagnetic communication with said first antenna, (ii) a first activatable switch for selectively triggering seizure of said telephone line in response to any said ringing signal that is detected, (iii) a second activatable switch for selectively triggering seizure of said telephone line and activation of said autodialer circuit in the event of a perceived emergency, (iv) a microphone for transmitting verbal communications over said telephone line whenever said telephone line is seized, and (v) a casing for substantially housing said second antenna with transmitter-receiver, said first activatable switch, said second activatable switch, and said microphone;

wherein one of said stationary unit and said portable unit includes a counter-timer circuit for restrictively permitting activation of said autodialer circuit only when said second activatable switch is activated a predetermined plural number of times within a predetermined period of time[.]

as required by Applicant's claim 17 amended herein. Byrne and Tendler, however, neither teach nor suggest such a remote telephone answering system that includes both a stationary unit and a portable unit "wherein [either the] stationary unit [or the] portable unit includes a counter-timer circuit for restrictively permitting activation of [an] autodialer circuit [in the stationary unit] only when [an] activatable switch [on the portable unit] is activated a predetermined plural number of times within a predetermined period of time." Instead, Byrne, as mentioned previously, merely teaches a portable, multi-mode radio telephone (i.e., a cellular cordless telephone (CCT)) with which call handover is made possible between various radio telephone systems operating with different signaling protocols and data encryption schemes. (Byrne, see generally column 5, lines 13-67; and column 6, lines 1-20). Tendler, on the other hand, merely teaches an emergency back-up system that includes a cellular (or land-line) telephone with a special activation button and dialer for automatically dialing

U.S.S.N. 10/708,074

- 13 -

SBC 0128 PA (LD 00308)

911 during emergencies. (Tendler, see generally Abstract; column 3, lines 9-27; and Figure 1, feature 14).

In sum, therefore, since Byrne and Tendler neither teach nor suggest "a counter-timer circuit" as particularly set forth in Applicant's independent claim 17 amended herein, Applicant respectfully avers that claim 17 is not rendered obvious by Byrne and Tendler. Furthermore, since claims 18-20 are dependant on independent claim 17, Applicant also respectfully avers that claims 18-20 are not rendered obvious by Byrne and Tendler as well.


CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that independent claims 1, 15, and 17, as well as claims 2-14, 16, and 18-20 dependent thereon, are both novel and non-obvious with respect to the disclosures and teachings of Byrne, Mizikovsky, and Tendler. Therefore, Applicant respectfully requests that Examiner's rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) be withdrawn and that a Notice of Allowance be issued for all claims 1-20.

Should Examiner have any questions with respect to any matter now of record, Examiner is invited to contact Applicant's undersigned attorney at (248) 223-9500.

Respectfully submitted,

ARTZ & ARTZ, P.C.



Robert P. Renke, Reg. No. 40,783
28333 Telegraph Road, Suite 250
Southfield, MI 48034
(248) 223-9500

Dated: November 1, 2005